

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

Azeez Sayfa Al-Din Bey,

Plaintiff,

v.

North Charleston Police Department,

Defendant.

Case No. 2:23-6036-RMG

**ORDER**

This matter comes before the Court on the on a Report and Recommendation (“R & R”) of the Magistrate Judge recommending summary dismissal of the Plaintiff’s complaint without further leave to amend because the complaint fails to state a federal claim upon which relief may be granted. (Dkt. No. 13). Plaintiff was advised that he had 14 days to file written objections to the R & R, and a failure to file any objections would result in limited clear error review by the District Court and waiver of the right to appeal from the judgment of the District Court. (*Id.* at 10). Plaintiff filed no timely objections to the R & R.

By way of background, Plaintiff, proceeding *pro se* and *in forma pauperis*, asserted claims against Defendant under the Zodiac Constitution and 42 U.S.C. § 1983, alleging that the Charleston County Police Department improperly arrested him and “harassed and stalked” him. (Dkt. No. 1 at 5). Plaintiff seeks damages of \$3 million for the year he spent incarcerated following his arrest. (*Id.* at 3).

**Legal Standard**

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making

a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee's note).

### **Discussion**

The Magistrate Judge ably addressed each of Plaintiff's various claims and concluded that each claim against Defendant was wholly without legal merit. (Dkt. No. 13 at 3-6). The Magistrate Judge recommended that the Plaintiff's complaint be summarily dismissed without further leave to amend. The Court finds that Plaintiff's complaint lacks any legal merit and adopts the R & R (Dkt. No. 13) as the order of the Court. Consequently, this action is hereby dismissed.

**AND IT IS SO ORDERED.**

s/Richard Mark Gergel  
Richard Mark Gergel  
United States District Judge

May 14, 2024  
Charleston, South Carolina